

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STOAN M HECKENBERG
Claimant

KPI CONCEPTS LLC
Employer

APPEAL 21A-UI-18912-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/06/21
Claimant: Appellant (1)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant, Stoan M. Heckenberg, filed an appeal from the August 18, 2021, (reference 02) unemployment insurance decision that denied benefits based upon the determination that claimant was not able to and available for work due to illness as of June 6, 2021. The parties were properly notified of the hearing. A telephone hearing was held on October 18, 2021. The claimant participated personally. The employer, KPI Concepts, Inc., participated through Chelsea Wallace.

ISSUE:

Was the claimant able to and available for work effective June 6, 2021?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began employment with the employer in the Maintenance Department on April 6, 2020. He remains employed as of the date of his appeal hearing.

In early June 2021, claimant became ill. He was tested for COVID-19 on June 2, 2021, which was also the last day he worked before leave due to COVID-19. From June 10 through 17, 2021, claimant was hospitalized due to COVID-19. Thereafter, his medical provider did not release him to return to work until July 14, 2021. Claimant returned to work without restrictions on July 14, 2021. During this period, claimant remained in contact with the employer and provided updates as required.

Claimant filed a claim for benefits effective June 6, 2021. He filed weekly continuing claims through the week ending July 10, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is not able to work and available for work effective June 6, 2021.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871—24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Iowa Admin. Code r. 871—24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

Iowa Admin. Code r. 871—24.23(35) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

From June 6, 2021, through the week ending July 10, 2021, claimant was not able to and available for work. Initially, claimant was ill, which caused him to be unable to work. Indeed, he was hospitalized for a period in June 2021. Thereafter, he was under the care of a medical provider and had not been released to return to work. Claimant was released to return to work, and did return to work as planned, on July 14, 2021. Claimant was not able to or available for work during any of the weeks in which he filed weekly claims for unemployment benefits. Benefits must be denied.

DECISION:

The August 18, 2021, (reference 02) unemployment insurance decision is affirmed. The claimant is not able to work and available for work effective June 6, 2021. Benefits are denied.



Alexis D. Rowe
Administrative Law Judge

October 27, 2021
Decision Dated and Mailed

ar/scn

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.